

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

1:07cv363

**GABRIEL MARQUEZ-GARCIA; and)
IRAIMA MENDEZ-GARCIA,)**

Plaintiffs,)

Vs.)

ORDER

**THOMAS ERIC ROGERS; and)
GAINEY TRANSPORTATION)
SERVICES, INC.,)**

Defendants.)

THIS MATTER is before the court on plaintiffs' Motion for Order Pursuant to Rule 7(a). Having considered plaintiffs' motion and reviewed the pleadings, and it appearing that a Reply to the Answer is appropriate under North Carolina law where defendants allege in the Answer contributory negligence, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that plaintiffs' Motion for Order Pursuant to Rule 7(a) (#9) is **GRANTED**, and plaintiffs are allowed up to and inclusive of December 21, 2007, to file a Reply to the Answer therein asserting the Doctrine of Last Clear Chance.

Signed: December 14, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

